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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 ANGELO LOPES,

6 PLAINTIFF,

7 -against-

8 Case No.:

9 20-CV-00314

10 JLM DECORATING NYC, INC., COSMOPOLITAN  
11 INTERIOR NY CORPORATION, JLM DECORATING,  
12 INC., CITY VIEW BLINDS OF N.Y., INC.,  
13 MOSHE GOLD, JOEL GOLD a/k/a SAM GOLD  
14 a/k/a SHIMMY GOLD, and MARITZA RODRIGUEZ  
15 a/k/a MARITZA SIME,

16 DEFENDANTS.

17 -----X  
18  
19 DATE: February 11, 2021

20 TIME: 3:33 P.M.

21 DEPOSITION of the Defendant, SAM  
22 GOLD, taken by the Plaintiff, pursuant to a  
23 Notice and to the Federal Rules of Civil  
24 Procedure, held on the above date and time,  
25 via Virtual Zoom, before Kelli Passalacqua,  
a Notary Public of the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S: 3 4 THE LAW OFFICE OF JON A. STOCKMAN Attorneys for the Plaintiff 5 ANGELO LOPES 32 Broadway, Suite 1710 6 New York, New York 10004 BY: JON A. STOCKMAN, ESQ. 7 8 9 MILMAN LABUDA LAW GROUP, PLLC Attorneys for the Defendants 10 JLM DECORATING NYC, INC., COSMOPOLITAN INTERIOR NY CORPORATION, JLM DECORATING, 11 INC., CITY VIEW BLINDS OF N.Y., INC., MOSHE GOLD, JOEL GOLD a/k/a SAM GOLD 12 a/k/a SHIMMY GOLD, and MARITZA RODRIGUEZ a/k/a MARITZA SIME 13 3000 Marcus Avenue, Suite 3W8 Lake Success, New York 11042 14 BY: BRETT JOSEPH, ESQ. 15 16 17 ALSO PRESENT: 18 ANGELO LOPES 19 20 21 22 23 * * * 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 S. GOLD 2 S A M G O L D, called as a witness, 3 having been first duly sworn by a Notary 4 Public of the State of New York, was 5 examined and testified as follows: 6 EXAMINATION BY 7 MR. STOCKMAN: 8 Q. Please state your name for the 9 record. 10 A. Sam Gold. 11 Q. What is your address? 12 A. 13 Eastview Road, Monsey, New 13 York 10952. 14 Q. Mr. Gold, my name is Jon 15 Stockman. I am the attorney for Angelo 16 Lopes in his federal lawsuit against JLM 17 Decorating, as well as other named 18 Defendants. 19 Have you ever been deposed 20 before? 21 A. Yes. 22 Q. When were you deposed? 23 A. Roughly two years ago. 24 Q. What was the nature of the 25 lawsuit or action in which you were</p>
<p style="text-align: right;">Page 3</p> <p>1 2 F E D E R A L S T I P U L A T I O N S 3 4 5 IT IS HEREBY STIPULATED AND AGREED by and 6 between the counsel for the respective 7 parties herein that the sealing, filing and 8 certification of the within deposition be 9 waived; that the original of the deposition 10 may be signed and sworn to by the witness 11 before anyone authorized to administer an 12 oath, with the same effect as if signed 13 before a Judge of the Court; that an 14 unsigned copy of the deposition may be used 15 with the same force and effect as if signed 16 by the witness, 30 days after service of 17 the original &amp; 1 copy of same upon counsel 18 for the witness. 19 20 IT IS FURTHER STIPULATED AND AGREED that 21 all objections except as to form, are 22 reserved to the time of trial. 23 24 * * * * 25</p>	<p style="text-align: right;">Page 5</p> <p>1 S. GOLD 2 deposed? 3 MR. JOSEPH: Objection. 4 You can answer. 5 A. A dispute of construction. If 6 he did the work or didn't do the work. 7 Q. Do you know the name of the 8 party that was suing? 9 A. I don't recall. 10 Q. Were you a party to that 11 action? 12 A. Explain the question, please. 13 Q. The lawsuit in which you were 14 deposed, were you a named Defendant in that 15 lawsuit? 16 A. No. 17 Q. Are you familiar with Angelo 18 Lopes? 19 A. Yes. 20 Q. How are you familiar with him? 21 A. I used to work with him. 22 Q. You used to work with him at 23 JLM? 24 A. Correct. 25 Q. Do you remember when you worked</p>

<p style="text-align: right;">Page 6</p> <p>1 S. GOLD</p> <p>2 for Angelo Lopes?</p> <p>3 A. In 2019.</p> <p>4 Q. Did you work with him in 2018</p> <p>5 as well?</p> <p>6 A. Yes.</p> <p>7 Q. What was your position with JLM</p> <p>8 in 2018?</p> <p>9 A. Operations.</p> <p>10 Q. What is your job title with JLM</p> <p>11 in 2019?</p> <p>12 A. Same.</p> <p>13 Q. Are you still operations with</p> <p>14 JLM?</p> <p>15 A. Yes.</p> <p>16 Q. What were your responsibilities</p> <p>17 as operations?</p> <p>18 A. Manage the jobs.</p> <p>19 Q. What types of jobs are these?</p> <p>20 A. Painting.</p> <p>21 Q. What does manage the jobs</p> <p>22 consist of?</p> <p>23 A. To keep it in control, to keep</p> <p>24 the job running, whatever it requires.</p> <p>25 Q. As operations, did you</p>	<p style="text-align: right;">Page 8</p> <p>1 S. GOLD</p> <p>2 Q. Who are some of the guys on the</p> <p>3 field?</p> <p>4 A. The supervisors.</p> <p>5 Q. Who are some of the</p> <p>6 supervisors?</p> <p>7 A. Explain the question.</p> <p>8 Q. Who are some of the supervisors</p> <p>9 with JLM?</p> <p>10 A. Who they are you mean with</p> <p>11 what?</p> <p>12 Q. What are their names?</p> <p>13 MR. JOSEPH: Objection.</p> <p>14 You can answer if you can.</p> <p>15 A. I don't know by heart all the</p> <p>16 names.</p> <p>17 Q. Do you remember the names of</p> <p>18 any of the supervisors that work for JLM?</p> <p>19 A. Yes.</p> <p>20 Q. What names do you remember?</p> <p>21 A. Roy Katzman.</p> <p>22 Q. Do you remember anyone else</p> <p>23 besides Roy Katzman?</p> <p>24 A. Jose Arias.</p> <p>25 Q. Anyone else?</p>
<p style="text-align: right;">Page 7</p> <p>1 S. GOLD</p> <p>2 physically visit the job sites?</p> <p>3 A. Not on a daily, but when it</p> <p>4 requires.</p> <p>5 Q. Is there a supervisor from JLM</p> <p>6 at these job sites?</p> <p>7 A. Yes.</p> <p>8 Q. What do the JLM supervisors do?</p> <p>9 MR. JOSEPH: Objection.</p> <p>10 You can answer.</p> <p>11 A. Run the job on the daily in the</p> <p>12 field.</p> <p>13 Q. As operations, did you have any</p> <p>14 interaction with the painters themselves?</p> <p>15 A. When needed.</p> <p>16 Q. Do you know the names of any of</p> <p>17 the painters that work for JLM?</p> <p>18 MR. JOSEPH: Objection.</p> <p>19 You can answer.</p> <p>20 A. Not really.</p> <p>21 Q. Who would know the names of the</p> <p>22 painters that work for JLM?</p> <p>23 MR. JOSEPH: Objection.</p> <p>24 You can answer.</p> <p>25 A. The guys on the field.</p>	<p style="text-align: right;">Page 9</p> <p>1 S. GOLD</p> <p>2 A. Diego Perez.</p> <p>3 Q. Anyone else?</p> <p>4 A. Not at the moment.</p> <p>5 Q. Are you involved with payroll?</p> <p>6 A. Depends on what extent.</p> <p>7 Q. What extent are you involved in</p> <p>8 payroll?</p> <p>9 A. I approve time of all the guys.</p> <p>10 Q. When you say "guys," do you</p> <p>11 mean the painters?</p> <p>12 A. Correct.</p> <p>13 Q. How do you make the</p> <p>14 determination as to whether to approve a</p> <p>15 painter's time?</p> <p>16 A. We have the payroll company and</p> <p>17 they clock in every day and they clock out.</p> <p>18 Q. How do the painters clock in?</p> <p>19 A. On a time sheet.</p> <p>20 Q. Is it just a time sheet or is</p> <p>21 there a clock?</p> <p>22 A. It is a time sheet.</p> <p>23 Q. How does JLM determine when a</p> <p>24 painter began working on a particular day?</p> <p>25 MR. JOSEPH: Objection.</p>

<p style="text-align: right;">Page 10</p> <p>1 S. GOLD</p> <p>2 You can answer.</p> <p>3 A. On a time sheet, they work.</p> <p>4 Q. Does the painter write down</p> <p>5 when he started working?</p> <p>6 MR. JOSEPH: Objection.</p> <p>7 You can answer.</p> <p>8 A. Yes.</p> <p>9 Q. Does anyone at the job site</p> <p>10 monitor whether a painter is truthfully</p> <p>11 recording their start time?</p> <p>12 MR. JOSEPH: Objection.</p> <p>13 You can answer.</p> <p>14 A. They go to their supervisor to</p> <p>15 clock in and fill out their time sheet.</p> <p>16 Q. Does the supervisor write in</p> <p>17 the time?</p> <p>18 A. They write themselves in front</p> <p>19 of the supervisor.</p> <p>20 Q. To your knowledge, are the JLM</p> <p>21 painters employees or independent</p> <p>22 contractors?</p> <p>23 MR. JOSEPH: Objection.</p> <p>24 You can answer.</p> <p>25 A. Employees.</p>	<p style="text-align: right;">Page 12</p> <p>1 S. GOLD</p> <p>2 painters what to use.</p> <p>3 Q. Are the supervisors telling the</p> <p>4 painters what to use?</p> <p>5 A. I guess so.</p> <p>6 Q. Do you know why Angelo Lopes is</p> <p>7 no longer employed with JLM?</p> <p>8 A. Yes.</p> <p>9 Q. Why is Angelo no longer</p> <p>10 employed by JLM?</p> <p>11 A. He didn't deliver quality work.</p> <p>12 Q. Can you give me specifics about</p> <p>13 how Angelo Lopes failed to deliver quality</p> <p>14 work?</p> <p>15 A. He didn't document his work.</p> <p>16 He didn't share with the team his work.</p> <p>17 Q. Were you involved in Angelo</p> <p>18 Lopes' termination?</p> <p>19 MR. JOSEPH: Objection.</p> <p>20 You can answer.</p> <p>21 A. No.</p> <p>22 Q. Did you recommend that Angelo</p> <p>23 Lopes be terminated?</p> <p>24 A. When I got asked specifics what</p> <p>25 he is doing, I understand the specifics.</p>
<p style="text-align: right;">Page 11</p> <p>1 S. GOLD</p> <p>2 Q. To your knowledge, has JLM used</p> <p>3 independent contractors to perform painting</p> <p>4 work on behalf of JLM?</p> <p>5 MR. JOSEPH: Objection.</p> <p>6 You can answer.</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know who signs the</p> <p>9 payroll checks at JLM?</p> <p>10 A. Moshe Gold.</p> <p>11 Q. Was there a point where a JLM</p> <p>12 painter was paid in cash, to your</p> <p>13 knowledge?</p> <p>14 A. No.</p> <p>15 Q. What type of tools are used at</p> <p>16 a job site?</p> <p>17 A. I don't know. I'm not a</p> <p>18 mechanic.</p> <p>19 Q. What do the painters use at a</p> <p>20 job site?</p> <p>21 A. I'm not a mechanic. They use</p> <p>22 whatever they need to use.</p> <p>23 Q. Who determines what the</p> <p>24 painters are to use?</p> <p>25 A. I'm not dealing with the</p>	<p style="text-align: right;">Page 13</p> <p>1 S. GOLD</p> <p>2 Q. Who asked you what Angelo was</p> <p>3 doing?</p> <p>4 A. Moshe Gold.</p> <p>5 Q. Do you remember some of the</p> <p>6 questions that Moshe asked you about</p> <p>7 Angelo?</p> <p>8 A. Yes.</p> <p>9 Q. What are some of the questions</p> <p>10 that Moshe asked you about Angelo?</p> <p>11 A. How the jobs are being managed.</p> <p>12 Q. When Moshe asked how the jobs</p> <p>13 were being managed, what was your response?</p> <p>14 A. Not good.</p> <p>15 Q. Did you further elaborate?</p> <p>16 MR. JOSEPH: Objection.</p> <p>17 You can answer.</p> <p>18 A. Explain the question.</p> <p>19 MR. STOCKMAN: Can we read back</p> <p>20 my question and his answer.</p> <p>21 (Whereupon, the referred to</p> <p>22 question and answer were read back by</p> <p>23 the Reporter.)</p> <p>24 Q. When Moshe asked you how the</p> <p>25 jobs were being managed, did you provide</p>

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<p style="text-align: right;">Page 14</p> <p>1 S. GOLD</p> <p>2 any response other than "not good"?</p> <p>3 A. Depends on the situation.</p> <p>4 Q. Let's talk about the different</p> <p>5 situations.</p> <p>6 A. Every job the specifics. I</p> <p>7 don't recall specifics on any job.</p> <p>8 Q. Are you saying you don't</p> <p>9 remember the specifics with respect to any</p> <p>10 of the jobs?</p> <p>11 A. Correct.</p> <p>12 Q. Why did you answer that things</p> <p>13 were not good?</p> <p>14 MR. JOSEPH: Objection.</p> <p>15 You can answer.</p> <p>16 A. Because that was the fact.</p> <p>17 Q. What is that based on?</p> <p>18 A. On the specifics on the moment</p> <p>19 of the job.</p> <p>20 Q. Is there any documentary</p> <p>21 evidence that things were not good?</p> <p>22 MR. JOSEPH: Objection.</p> <p>23 You can answer.</p> <p>24 A. Yes, there is definitely</p> <p>25 evidence.</p>	<p style="text-align: right;">Page 16</p> <p>1 S. GOLD</p> <p>2 requires, workforce, production T&amp;L.</p> <p>3 Q. I believe you mentioned about</p> <p>4 how there was missing information; is that</p> <p>5 accurate?</p> <p>6 A. Yes, I mentioned he didn't</p> <p>7 document any of his work.</p> <p>8 Q. How was Angelo supposed to</p> <p>9 document his work?</p> <p>10 A. We have our procedure in the</p> <p>11 office.</p> <p>12 Q. What is that office procedure?</p> <p>13 A. It depends on what specific.</p> <p>14 We have every detail. It is very detailed</p> <p>15 how we do stuff.</p> <p>16 Q. How do you do stuff?</p> <p>17 MR. JOSEPH: Objection.</p> <p>18 Can you rephrase that question?</p> <p>19 MR. STOCKMAN: I will strike</p> <p>20 that question.</p> <p>21 Q. Are these office procedures in</p> <p>22 writing?</p> <p>23 A. Some.</p> <p>24 Q. What office procedures are in</p> <p>25 writing?</p>
<p style="text-align: right;">Page 15</p> <p>1 S. GOLD</p> <p>2 Q. What evidence is that?</p> <p>3 A. The jobs wasn't documented</p> <p>4 right, missing a lot of information on</p> <p>5 almost every job he was on. Jobs went over</p> <p>6 and beyond budget. It wasn't managed</p> <p>7 proper.</p> <p>8 Q. What jobs were over budget?</p> <p>9 A. I don't recall the specific job</p> <p>10 at the moment.</p> <p>11 Q. How did you determine that a</p> <p>12 job was over budget?</p> <p>13 A. We have a system where we plug</p> <p>14 in all information. Quick Books can tell</p> <p>15 you everything, every dollar that comes in,</p> <p>16 every dollar that goes out.</p> <p>17 Q. Did you look at any documents,</p> <p>18 any specific information, to determine that</p> <p>19 things were not good?</p> <p>20 A. Absolutely.</p> <p>21 Q. What did you look at?</p> <p>22 A. I review every week document.</p> <p>23 Every day document.</p> <p>24 Q. What are those documents?</p> <p>25 A. Ultipro, whatever the document</p>	<p style="text-align: right;">Page 17</p> <p>1 S. GOLD</p> <p>2 A. Some procedures, I don't know</p> <p>3 off the top of my head the details.</p> <p>4 Q. When Angelo was working for</p> <p>5 JLM, were there some of these office</p> <p>6 procedures in writing?</p> <p>7 A. As I mentioned before, yes.</p> <p>8 Q. When did you begin working for</p> <p>9 JLM?</p> <p>10 A. I don't know the exact.</p> <p>11 Q. Did you attend college?</p> <p>12 MR. JOSEPH: Objection.</p> <p>13 You can answer.</p> <p>14 A. Yes.</p> <p>15 Q. Do you have a Bachelor's</p> <p>16 Degree?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any Master's Degree</p> <p>19 or any professional degree?</p> <p>20 A. Yes.</p> <p>21 Q. What type of Master's or</p> <p>22 professional degree do you possess?</p> <p>23 A. Chaplain.</p> <p>24 Q. Where did you attend college?</p> <p>25 A. UTS.</p>

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<p style="text-align: right;">Page 18</p> <p>1 S. GOLD</p> <p>2 Q. What does UTS stand for?</p> <p>3 A. I don't know the exact.</p> <p>4 Q. What did you major in in</p> <p>5 college?</p> <p>6 A. Again, please.</p> <p>7 Q. What was your major in college?</p> <p>8 A. The degree?</p> <p>9 Q. Yes.</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you take any business</p> <p>12 courses in college?</p> <p>13 A. Not in college.</p> <p>14 Q. When did you graduate from</p> <p>15 college?</p> <p>16 A. I don't recall the top of my</p> <p>17 head the exact date.</p> <p>18 Q. Do you remember the year?</p> <p>19 A. Not the year.</p> <p>20 Q. How old are you currently?</p> <p>21 A. Twenty-seven.</p> <p>22 Q. Did you have a job before you</p> <p>23 began working for JLM?</p> <p>24 A. Yes.</p> <p>25 Q. What was that job?</p>	<p style="text-align: right;">Page 20</p> <p>1 S. GOLD</p> <p>2 experience did you have to work in the</p> <p>3 commercial painting industry?</p> <p>4 A. I need specifics. I don't know</p> <p>5 what to answer overall.</p> <p>6 Q. Did you have any knowledge</p> <p>7 about the commercial painting industry</p> <p>8 before you began working for JLM?</p> <p>9 A. Yes.</p> <p>10 Q. How did you acquire that</p> <p>11 knowledge?</p> <p>12 A. Talking from people.</p> <p>13 Q. Do you remember which people</p> <p>14 you spoke to?</p> <p>15 A. No.</p> <p>16 Q. Did you talk to your father</p> <p>17 about the commercial painting industry?</p> <p>18 A. I don't recall. Probably some.</p> <p>19 Q. What do you remember having</p> <p>20 known about the commercial painting</p> <p>21 industry prior to begin working for JLM?</p> <p>22 MR. JOSEPH: Objection.</p> <p>23 You can answer.</p> <p>24 A. I don't know. I don't recall</p> <p>25 what happened a few years ago.</p>
<p style="text-align: right;">Page 19</p> <p>1 S. GOLD</p> <p>2 A. Closed containment and</p> <p>3 commercial pharmacy.</p> <p>4 Q. What were your job duties in</p> <p>5 that position?</p> <p>6 A. Closed containment.</p> <p>7 Q. What is closed containment?</p> <p>8 A. Control cost.</p> <p>9 Q. You worked at a pharmacy?</p> <p>10 A. Yes.</p> <p>11 Q. What pharmacy did you work for?</p> <p>12 A. Specialty RX.</p> <p>13 Q. Prior to working at Specialty</p> <p>14 RX, did you work anywhere else?</p> <p>15 A. No.</p> <p>16 Q. Was JLM the first commercial</p> <p>17 painting company that you worked for?</p> <p>18 A. Yes.</p> <p>19 Q. What type of qualifications did</p> <p>20 you have to work in the commercial painting</p> <p>21 industry?</p> <p>22 MR. JOSEPH: Objection.</p> <p>23 You can answer.</p> <p>24 A. Explain your question.</p> <p>25 Q. What type of qualifications or</p>	<p style="text-align: right;">Page 21</p> <p>1 S. GOLD</p> <p>2 Q. Do you know if Angelo Lopes</p> <p>3 quit before he was terminated?</p> <p>4 A. Yes.</p> <p>5 Q. How do you know that?</p> <p>6 A. I saw it. I got told.</p> <p>7 Q. What did you see?</p> <p>8 A. Him walking out of the office.</p> <p>9 Q. How do you know that he quit by</p> <p>10 just seeing him walk out of the office?</p> <p>11 A. Because on the way out he told</p> <p>12 me.</p> <p>13 Q. Do you remember specifically</p> <p>14 what Angelo told you when he was walking</p> <p>15 out of the office?</p> <p>16 A. Not the exact words, no.</p> <p>17 Q. Did anyone else tell you that</p> <p>18 Angelo quit?</p> <p>19 A. It was talk, but no one came</p> <p>20 over to tell me a story that he quit.</p> <p>21 Q. Is it accurate to say that</p> <p>22 Angelo quit before JLM made the</p> <p>23 determination to terminate his employment?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have the authority to</p>



<p style="text-align: right;">Page 22</p> <p>1 S. GOLD</p> <p>2 hire JLM employees?</p> <p>3 A. Not office employees.</p> <p>4 Q. How about painters?</p> <p>5 A. Yes.</p> <p>6 Q. Have you ever hired a painter</p> <p>7 before?</p> <p>8 A. Yes.</p> <p>9 Q. Have you intervened painters</p> <p>10 before?</p> <p>11 A. If I ever did?</p> <p>12 Q. Yes.</p> <p>13 A. Yes.</p> <p>14 Q. What does the hiring process</p> <p>15 for JLM painters consist of?</p> <p>16 A. JLM has a handbook. We give</p> <p>17 everyone a handbook before they come to the</p> <p>18 job. They sign the handbook and they need</p> <p>19 to meet the safety OSHA rules, they need to</p> <p>20 meet the company rules, and they need to</p> <p>21 sign the handbook and read it with all the</p> <p>22 details in it.</p> <p>23 Q. What are some of the details in</p> <p>24 the handbook?</p> <p>25 MR. JOSEPH: Objection.</p>	<p style="text-align: right;">Page 24</p> <p>1 S. GOLD</p> <p>2 Lopes was still employed by JLM?</p> <p>3 A. I read it, yes.</p> <p>4 Q. Do you know if the company</p> <p>5 handbook has any information about the</p> <p>6 minimum wage?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know if your father,</p> <p>9 Moshe Gold, has ever read the company</p> <p>10 handbook?</p> <p>11 MR. JOSEPH: Objection.</p> <p>12 You can answer.</p> <p>13 A. I don't know.</p> <p>14 Q. How does a painter apply to</p> <p>15 work for JLM?</p> <p>16 A. There is a lot of ways.</p> <p>17 Q. What ways do you know about?</p> <p>18 A. A friend of friend.</p> <p>19 Q. Are these painters formally</p> <p>20 interviewed before they begin working for</p> <p>21 JLM?</p> <p>22 A. Some.</p> <p>23 Q. Are you paid a salary at JLM?</p> <p>24 A. Again the question, please.</p> <p>25 Q. Are you paid a salary at JLM?</p>
<p style="text-align: right;">Page 23</p> <p>1 S. GOLD</p> <p>2 A. I don't know by heart.</p> <p>3 Q. Does the handbook contain any</p> <p>4 information about antidiscrimination laws?</p> <p>5 MR. JOSEPH: Objection.</p> <p>6 You can answer.</p> <p>7 A. Yes.</p> <p>8 Q. Did JLM give out this handbook</p> <p>9 to the painters while Angelo Lopes was</p> <p>10 still employed by JLM?</p> <p>11 A. Yes.</p> <p>12 Q. At that time, did the handbook</p> <p>13 have information about the</p> <p>14 antidiscrimination laws?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever read the company</p> <p>17 handbook?</p> <p>18 A. Yes.</p> <p>19 Q. Had you read the company</p> <p>20 handbook while Angelo Lopes was still</p> <p>21 employed by JLM?</p> <p>22 A. Yes.</p> <p>23 Q. Is it is accurate to say that</p> <p>24 you read the company handbook</p> <p>25 antidiscrimination language while Angelo</p>	<p style="text-align: right;">Page 25</p> <p>1 S. GOLD</p> <p>2 MR. JOSEPH: Objection.</p> <p>3 You can answer.</p> <p>4 A. Am I being paid you're asking?</p> <p>5 Q. Are you being paid a salary at</p> <p>6 JLM?</p> <p>7 A. Yes.</p> <p>8 Q. Have you been paid a salary</p> <p>9 since you have begun working for JLM?</p> <p>10 A. Yes, I'm a salary paid</p> <p>11 employee.</p> <p>12 Q. Has your salary ever been</p> <p>13 reduced while working at JLM?</p> <p>14 A. I don't recall. I have to</p> <p>15 check my records.</p> <p>16 Q. Are you aware of any employee</p> <p>17 having their salary reduced at JLM?</p> <p>18 A. I'm not involved in anyone's</p> <p>19 pay.</p> <p>20 Q. To your knowledge, are JLM and</p> <p>21 Cosmopolitan Interior the same company?</p> <p>22 MR. JOSEPH: Objection.</p> <p>23 You can answer.</p> <p>24 A. It is two different names, two</p> <p>25 different companies.</p>

<p style="text-align: right;">Page 26</p> <p>1 S. GOLD</p> <p>2 Q. What is the difference?</p> <p>3 MR. JOSEPH: Objection.</p> <p>4 You can answer.</p> <p>5 A. I don't know the difference. I</p> <p>6 only work for JLM.</p> <p>7 Q. Did Angelo Lopes ever complain</p> <p>8 to you about painters not being given pay</p> <p>9 stubs?</p> <p>10 A. No.</p> <p>11 Q. Did Angelo Lopes every complain</p> <p>12 to you about painters being paid in cash?</p> <p>13 A. There is no painter that is</p> <p>14 being paid in cash. Not in this company.</p> <p>15 Q. So, JLM, to your knowledge, has</p> <p>16 never paid a painter in cash?</p> <p>17 A. No, not under my supervision.</p> <p>18 Q. Cosmopolitan has never paid a</p> <p>19 painter in cash, to your knowledge?</p> <p>20 A. I don't know Cosmopolitan.</p> <p>21 Q. Has City View Blinds paid a</p> <p>22 contractor in cash?</p> <p>23 A. I have no idea City View</p> <p>24 Blinds. I work for JLM and JLM only.</p> <p>25 Q. Do you remember if Angelo Lopes</p>	<p style="text-align: right;">Page 28</p> <p>1 S. GOLD</p> <p>2 going to work for JLM, who hires the</p> <p>3 painters?</p> <p>4 A. The painter come to the office,</p> <p>5 they sign paperwork. When they have</p> <p>6 paperwork in place, they being called when</p> <p>7 there is available work on the field.</p> <p>8 Q. Who calls them?</p> <p>9 A. Every job manager on his job.</p> <p>10 Q. Has there ever been a time</p> <p>11 where a job candidate comes to the office</p> <p>12 and JLM decides not to use that individual?</p> <p>13 A. With a job, you mean a worker?</p> <p>14 Q. A worker comes to the office to</p> <p>15 apply for the job and ultimately not hired</p> <p>16 for JLM?</p> <p>17 A. Absolutely.</p> <p>18 Q. What are some of the reasons</p> <p>19 why a job candidate would not be hired?</p> <p>20 A. Because he is not qualified to</p> <p>21 deliver quality work.</p> <p>22 Q. Who made the determination that</p> <p>23 a particular job candidate is not</p> <p>24 qualified?</p> <p>25 A. The determination is made, it</p>
<p style="text-align: right;">Page 27</p> <p>1 S. GOLD</p> <p>2 complained to anyone at the company about</p> <p>3 JLM paying painters in cash?</p> <p>4 A. I only know what people tell</p> <p>5 me. I answered before, he didn't complain</p> <p>6 to me.</p> <p>7 Q. Did anyone tell you that Angelo</p> <p>8 made complaints?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Has JLM ever had a system where</p> <p>11 the painters on the job could hire other</p> <p>12 workers to work for them?</p> <p>13 A. No, every worker is being hired</p> <p>14 by the office.</p> <p>15 Q. Who hires the workers?</p> <p>16 A. They are being brought into the</p> <p>17 office, to the field as I mentioned before</p> <p>18 from a friend of friend, most of them, and</p> <p>19 they sign paperwork.</p> <p>20 Q. Who determines whether or not</p> <p>21 they work for JLM?</p> <p>22 A. If they work on the job they</p> <p>23 work for JLM.</p> <p>24 Q. Who determines when a</p> <p>25 particular person coming to the office is</p>	<p style="text-align: right;">Page 29</p> <p>1 S. GOLD</p> <p>2 is through me.</p> <p>3 Q. Is there anyone else that has</p> <p>4 made that determination before?</p> <p>5 A. Or I'm being told from people</p> <p>6 on the field that this guy is not a quality</p> <p>7 worker.</p> <p>8 Q. To be clear, you've terminated</p> <p>9 JLM employees before?</p> <p>10 MR. JOSEPH: Objection.</p> <p>11 You can answer.</p> <p>12 A. Only painters.</p> <p>13 Q. I'd like to turn your attention</p> <p>14 to the document that has been marked or</p> <p>15 should be marked Plaintiff's Exhibit B.</p> <p>16 MR. JOSEPH: That is the May</p> <p>17 28, 2019 letter?</p> <p>18 MR. STOCKMAN: Yes.</p> <p>19 MR. JOSEPH: Sam, do you have</p> <p>20 that in front of you?</p> <p>21 THE WITNESS: Yes.</p> <p>22 Q. Mr. Gold, I'd like you to</p> <p>23 review the May 28, 2019 letter and tell me</p> <p>24 when you're done reviewing the letter.</p> <p>25 A. I'm done.</p>



<p style="text-align: right;">Page 30</p> <p>1 S. GOLD</p> <p>2 Q. Do you recognize the May 28,</p> <p>3 2019 letter?</p> <p>4 A. I read it before this meeting,</p> <p>5 so yes.</p> <p>6 Q. When did you first read this</p> <p>7 letter?</p> <p>8 A. I don't recall the exact date.</p> <p>9 Q. Did you read this letter before</p> <p>10 it was given to Angelo?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you help write this letter?</p> <p>13 A. Nope.</p> <p>14 Q. Do you know who helped write</p> <p>15 the letter?</p> <p>16 MR. JOSEPH: Objection.</p> <p>17 You can answer.</p> <p>18 A. No.</p> <p>19 Q. There is an allegation in the</p> <p>20 letter that Mr. Lopes was not following</p> <p>21 office procedures regarding proposals, is</p> <p>22 that allegation accurate?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember any specific</p> <p>25 example of Mr. Lopes not following office</p>	<p style="text-align: right;">Page 32</p> <p>1 S. GOLD</p> <p>2 customer.</p> <p>3 Q. Can you give me an example of</p> <p>4 when they happened?</p> <p>5 A. I just gave you an example.</p> <p>6 Q. Give me an example of a</p> <p>7 customer who did not pay for work because</p> <p>8 the proposal had not been approved.</p> <p>9 A. I don't know customers' names</p> <p>10 and specifics like that on the top of my</p> <p>11 head.</p> <p>12 Q. There is an allegation in the</p> <p>13 May 28, 2019 letter that Angelo was not</p> <p>14 managing assigned projects including, but</p> <p>15 not limited to, field operations, project</p> <p>16 schedule, etc, is that allegation accurate?</p> <p>17 A. Yes.</p> <p>18 Q. What projects did Angelo fail</p> <p>19 to manage?</p> <p>20 A. Almost every one.</p> <p>21 Q. Give me examples.</p> <p>22 A. Again, I don't know the project</p> <p>23 name from that time on top of my head.</p> <p>24 Q. What does it mean he was not</p> <p>25 managing assigned projects, what does that</p>
<p style="text-align: right;">Page 31</p> <p>1 S. GOLD</p> <p>2 procedures regarding proposals?</p> <p>3 A. Yes.</p> <p>4 Q. Tell me about the specific</p> <p>5 examples.</p> <p>6 A. Proposals is basically extra</p> <p>7 work beyond the contract that we have in</p> <p>8 place. He gave the direction to the guys</p> <p>9 to the field to go ahead when he never even</p> <p>10 sent out the letter and definitely get it</p> <p>11 approved so the company lost money every</p> <p>12 time that happened.</p> <p>13 Q. Explain to me how the company</p> <p>14 lost money.</p> <p>15 A. Because guys are working on the</p> <p>16 field and the company cannot collect money</p> <p>17 for the work. The company is losing</p> <p>18 because the company is paying payroll and</p> <p>19 material.</p> <p>20 Q. So, are you saying Angelo sent</p> <p>21 out proposals that hadn't been approved by</p> <p>22 customers?</p> <p>23 A. He gave the okay for the field</p> <p>24 to produce work without being sent the</p> <p>25 proposal or without being approved by the</p>	<p style="text-align: right;">Page 33</p> <p>1 S. GOLD</p> <p>2 mean to you?</p> <p>3 A. He didn't visit job. He didn't</p> <p>4 do anything about the job. So, the job was</p> <p>5 running with no drivers.</p> <p>6 Q. Once again, do you have an</p> <p>7 example of a specific job that Angelo</p> <p>8 failed to manage?</p> <p>9 A. My answer didn't change.</p> <p>10 Q. There is an allegation in the</p> <p>11 May 28, 2019 letter that Angelo was not</p> <p>12 knowledgeable of the project assigned to</p> <p>13 him, is that allegation accurate?</p> <p>14 A. Yes.</p> <p>15 Q. Why do think that allegation is</p> <p>16 accurate?</p> <p>17 A. Because he didn't know.</p> <p>18 Q. What didn't he know?</p> <p>19 A. Specifics on the job. Whenever</p> <p>20 he got asked, he didn't know. He wasn't</p> <p>21 involved.</p> <p>22 Q. Did you ask him about</p> <p>23 specifics?</p> <p>24 A. At that time, yes.</p> <p>25 Q. Give me an example of a</p>

<p style="text-align: right;">Page 34</p> <p>1 S. GOLD</p> <p>2 specific that you asked for that he didn't</p> <p>3 know.</p> <p>4 A. Production on the job, how is</p> <p>5 job going, details. We have our weekly</p> <p>6 meetings, we discuss every single job, how</p> <p>7 it is going, how it is doing. He said</p> <p>8 himself, "I didn't visit the job the last</p> <p>9 two weeks."</p> <p>10 Q. Which job?</p> <p>11 MR. JOSEPH: Objection.</p> <p>12 A. Again, I don't know.</p> <p>13 Q. So, is it your testimony at one</p> <p>14 or more weekly meetings Angelo Lopes</p> <p>15 demonstrated a lack of knowledge of a</p> <p>16 project that was assigned to him?</p> <p>17 A. Yes.</p> <p>18 Q. Can you give me the names of</p> <p>19 people that witnessed Angelo demonstrate a</p> <p>20 lack of knowledge of the project assigned</p> <p>21 to him?</p> <p>22 A. Whoever was attending the</p> <p>23 meetings.</p> <p>24 Q. Who attended these meetings?</p> <p>25 MR. JOSEPH: Objection.</p>	<p style="text-align: right;">Page 36</p> <p>1 S. GOLD</p> <p>2 any salary paid people.</p> <p>3 Q. What are Maritza's</p> <p>4 responsibilities?</p> <p>5 A. They are accounts receivable.</p> <p>6 Q. Does the company have an office</p> <p>7 manager?</p> <p>8 A. No.</p> <p>9 Q. There is an allegation in the</p> <p>10 May 28, 2019 letter that Angelo is not</p> <p>11 providing the office with proper paperwork</p> <p>12 to ensure jobs are handled properly, is</p> <p>13 that allegation accurate?</p> <p>14 A. Again the question, please.</p> <p>15 Q. There is an allegation that</p> <p>16 Angelo was not providing the office with</p> <p>17 proper paperwork to ensure jobs are handled</p> <p>18 properly, is that allegation accurate?</p> <p>19 A. Yes.</p> <p>20 Q. How do you know it's accurate?</p> <p>21 A. Because, again, the paperwork</p> <p>22 was supposed to come to me.</p> <p>23 Q. What paperwork did Angelo fail</p> <p>24 to provide you?</p> <p>25 A. The proposal, as I mentioned</p>
<p style="text-align: right;">Page 35</p> <p>1 S. GOLD</p> <p>2 You can answer.</p> <p>3 A. All the office employees.</p> <p>4 Q. Give me names.</p> <p>5 A. Maritza, at that time, Eli</p> <p>6 Nickburg, Roy Katzman, Jose Arias, Charo</p> <p>7 Lopez.</p> <p>8 Q. Did you ever complain to anyone</p> <p>9 about Angelo's work?</p> <p>10 A. Yes.</p> <p>11 Q. Who did you complain to?</p> <p>12 A. To Moshe Gold.</p> <p>13 Q. Anyone else?</p> <p>14 A. No.</p> <p>15 Q. Do you have any idea who could</p> <p>16 have written this letter if it wasn't you?</p> <p>17 MR. JOSEPH: Objection.</p> <p>18 You can answer.</p> <p>19 A. I don't know. Probably -- I</p> <p>20 don't know.</p> <p>21 Q. Do you think it could have been</p> <p>22 Maritza?</p> <p>23 MR. JOSEPH: Objection, asked</p> <p>24 and answered.</p> <p>25 A. No, Maritza is not involved in</p>	<p style="text-align: right;">Page 37</p> <p>1 S. GOLD</p> <p>2 before, production on the field as I</p> <p>3 mentioned before, the communication with</p> <p>4 the clients.</p> <p>5 Q. Do you remember any specific</p> <p>6 example of Angelo failing to provide you</p> <p>7 with this paperwork?</p> <p>8 A. I just gave you specifics.</p> <p>9 Q. A specific example, a job, a</p> <p>10 time, a date, an approximate date?</p> <p>11 A. My answer still didn't change.</p> <p>12 Q. There is an allegation that,</p> <p>13 "Office work hours are Monday through</p> <p>14 Friday, seven a.m. to four p.m., and</p> <p>15 Angelo's presence in the office is very</p> <p>16 limited, however, we don't have much going</p> <p>17 on in the field currently," is that</p> <p>18 allegation accurate?</p> <p>19 A. Yes.</p> <p>20 Q. How do you know that that is</p> <p>21 accurate?</p> <p>22 A. Because I'm supervising every</p> <p>23 job.</p> <p>24 Q. Was every office worker</p> <p>25 required to be in the office Monday through</p>

<p style="text-align: right;">Page 38</p> <p>1 S. GOLD</p> <p>2 Friday, seven a.m. to four p.m.?</p> <p>3 A. Yes.</p> <p>4 Q. Were you in the office at seven</p> <p>5 a.m.?</p> <p>6 A. Sometimes on jobs and Angelo</p> <p>7 was also sometimes on jobs and there is</p> <p>8 others, also. Some people, they work in</p> <p>9 the office and some only in the field.</p> <p>10 Q. It is fair to say Angelo worked</p> <p>11 in the office as well as the field,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember if after this</p> <p>15 letter was given to Angelo did he start</p> <p>16 arriving at the office and working from</p> <p>17 seven a.m. to four p.m.?</p> <p>18 A. He hardly appeared in the</p> <p>19 office at that time.</p> <p>20 Q. After this letter was given to</p> <p>21 him, written warning, did his attendance at</p> <p>22 the office improve?</p> <p>23 A. No. At that time he was hardly</p> <p>24 in the office. He came maybe once a week.</p> <p>25 Q. Are you saying that after</p>	<p style="text-align: right;">Page 40</p> <p>1 S. GOLD</p> <p>2 the office needed to know. From a billing</p> <p>3 perspective, production perspective,</p> <p>4 everyone needed to know exactly what is up</p> <p>5 on the job.</p> <p>6 Q. Do you know if anyone at JLM</p> <p>7 gave Angelo a verbal warning about failing</p> <p>8 to report progress prior to giving him this</p> <p>9 written warning?</p> <p>10 A. I didn't give any warnings to</p> <p>11 salary paid employees.</p> <p>12 Q. Did you talk to Moshe about</p> <p>13 Angelo not reporting progress?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember what you said</p> <p>16 to Moshe?</p> <p>17 A. I said whatever we discussed</p> <p>18 the past half-hour.</p> <p>19 Q. Did you complain to Moshe Gold</p> <p>20 about each of these deficiencies documented</p> <p>21 in the May 28, 2019 letter?</p> <p>22 A. In each one, I don't recall,</p> <p>23 but some, yes.</p> <p>24 Q. Did you recommend that Moshe</p> <p>25 take any particular action with respect to</p>
<p style="text-align: right;">Page 39</p> <p>1 S. GOLD</p> <p>2 Angelo was given the May 28, 2019 written</p> <p>3 warning, that even after being warned about</p> <p>4 not being in the office enough he still</p> <p>5 wasn't in the office enough?</p> <p>6 A. After the warning he even came</p> <p>7 in less than before.</p> <p>8 Can I get a two-minute break?</p> <p>9 Q. Sure.</p> <p>10 (Whereupon, a short recess was</p> <p>11 taken.)</p> <p>12 Q. I want to turn your attention</p> <p>13 back to the May 28, 2019 written warning to</p> <p>14 Angelo.</p> <p>15 There is an allegation that</p> <p>16 Angelo engaged in insubordination to upper</p> <p>17 management, is that allegation accurate?</p> <p>18 A. Which allegation again, please?</p> <p>19 Q. Insubordination to upper</p> <p>20 management.</p> <p>21 A. He didn't report with his</p> <p>22 progress on the job.</p> <p>23 Q. Who was Angelo supposed to</p> <p>24 report progress to?</p> <p>25 A. Biweekly meeting. Everyone in</p>	<p style="text-align: right;">Page 41</p> <p>1 S. GOLD</p> <p>2 Angelo?</p> <p>3 A. I'm not in charge of any salary</p> <p>4 paid employees.</p> <p>5 Q. Does JLM have a human resources</p> <p>6 person?</p> <p>7 A. No.</p> <p>8 Q. Does JLM pay unemployment</p> <p>9 insurance?</p> <p>10 MR. JOSEPH: Objection.</p> <p>11 You can answer.</p> <p>12 A. I don't know the details.</p> <p>13 Q. Who works with the payroll</p> <p>14 company, who at JLM works with the payroll</p> <p>15 company?</p> <p>16 A. We give in the time sheets to</p> <p>17 the payroll company. They are a company,</p> <p>18 they take care of it themselves.</p> <p>19 Q. Who at JLM interacts with the</p> <p>20 payroll company?</p> <p>21 A. I approve the payroll and it</p> <p>22 goes to them.</p> <p>23 Q. Who hired the payroll company?</p> <p>24 MR. JOSEPH: Objection.</p> <p>25 You can answer.</p>


<p style="text-align: right;">Page 42</p> <p>1 S. GOLD</p> <p>2 A. I don't know.</p> <p>3 Q. Does JLM keep a list of</p> <p>4 employees at any particular time?</p> <p>5 MR. JOSEPH: Objection.</p> <p>6 You can answer.</p> <p>7 A. Explain the question, please.</p> <p>8 Q. Did JLM possess any documents</p> <p>9 that lists the names of its employees?</p> <p>10 A. Yes, it's in our payroll</p> <p>11 company, so you can run any type of report</p> <p>12 out of it, and every employee signs the</p> <p>13 handbook and that is all being filed.</p> <p>14 Q. Do you review the paychecks</p> <p>15 prior to Moshe signing them?</p> <p>16 A. Yes, I approve the time sheets.</p> <p>17 Q. Do you review the paychecks</p> <p>18 themselves?</p> <p>19 A. The majority of the time, yes.</p> <p>20 Q. Is there any document, is there</p> <p>21 a pay stub connected to the paycheck?</p> <p>22 A. Yes, it is a payroll company.</p> <p>23 The payroll checks exactly whatever is</p> <p>24 required by law.</p> <p>25 Q. What is the name of the payroll</p>	<p style="text-align: right;">Page 44</p> <p>1 S. GOLD</p> <p>2 Q. What did you read?</p> <p>3 A. Documents.</p> <p>4 Q. What type of documents?</p> <p>5 A. I don't recall the details.</p> <p>6 Q. Are you aware if there are any</p> <p>7 justifications for terminating an employee</p> <p>8 that are illegal?</p> <p>9 MR. JOSEPH: Objection.</p> <p>10 You can answer.</p> <p>11 A. All terminations go through our</p> <p>12 labor attorney.</p> <p>13 Q. My question to you is, are</p> <p>14 there any justifications, to your</p> <p>15 knowledge, where it would be illegal for a</p> <p>16 company to terminate an employee?</p> <p>17 A. All terminations going to labor</p> <p>18 attorney. I guess they are doing their</p> <p>19 job. I'm not a lawyer.</p> <p>20 Q. Are you familiar with the New</p> <p>21 York Labor Law?</p> <p>22 A. Yes.</p> <p>23 Q. Tell me what you know about the</p> <p>24 New York Labor Law.</p> <p>25 MR. JOSEPH: Objection.</p>
<p style="text-align: right;">Page 43</p> <p>1 S. GOLD</p> <p>2 company that JLM uses?</p> <p>3 A. Finger Check.</p> <p>4 Q. Has JLM used Finger Check since</p> <p>5 2018?</p> <p>6 A. Yes.</p> <p>7 Q. To your knowledge, has JLM used</p> <p>8 a company other than Finger Check at any</p> <p>9 point?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you taken any</p> <p>12 antidiscrimination training at any point?</p> <p>13 A. No, we have our labor attorney</p> <p>14 handles that.</p> <p>15 Q. Are you familiar with some of</p> <p>16 the antidiscrimination laws in New York</p> <p>17 State?</p> <p>18 A. Yes.</p> <p>19 MR. JOSEPH: Objection.</p> <p>20 You can answer.</p> <p>21 A. Yes.</p> <p>22 Q. How did you become familiar</p> <p>23 with the antidiscrimination laws in New</p> <p>24 York State?</p> <p>25 A. Reading.</p>	<p style="text-align: right;">Page 45</p> <p>1 S. GOLD</p> <p>2 You can answer.</p> <p>3 A. If you can ask questions, I can</p> <p>4 answer on it.</p> <p>5 Q. Are you aware if there is a</p> <p>6 minimum wage in the State of New York?</p> <p>7 A. Yes.</p> <p>8 Q. How do you know that?</p> <p>9 A. Reviewing the minimum wage law.</p> <p>10 Q. Do you remember when you</p> <p>11 reviewed the minimum wage law?</p> <p>12 MR. JOSEPH: Objection.</p> <p>13 You can answer.</p> <p>14 A. Knowledge, it is healthy.</p> <p>15 Q. To your knowledge, are there</p> <p>16 situations where a company is required to</p> <p>17 pay overtime pay in the State of New York?</p> <p>18 A. Yes.</p> <p>19 Q. To your knowledge, when is a</p> <p>20 company required to pay overtime in the</p> <p>21 State of New York?</p> <p>22 A. When they work overtime.</p> <p>23 Q. What is considered overtime?</p> <p>24 A. More than 40 hours a week.</p> <p>25 Q. How did you become aware of</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 S. GOLD</p> <p>2 that?</p> <p>3 MR. JOSEPH: Objection.</p> <p>4 You can answer.</p> <p>5 A. I review the labor law.</p> <p>6 Q. Did you review the labor laws</p> <p>7 while Angelo Lopes was still employed at</p> <p>8 JLM?</p> <p>9 A. Yes. I reviewed before I even</p> <p>10 got into this job.</p> <p>11 Q. You reviewed just for general</p> <p>12 knowledge?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what the name</p> <p>15 at-will employee means?</p> <p>16 MR. JOSEPH: Objection.</p> <p>17 You can answer.</p> <p>18 A. Explain the question.</p> <p>19 Q. Have you ever heard the term</p> <p>20 at-will employee?</p> <p>21 A. I don't recall. If you can</p> <p>22 explain, I can answer.</p> <p>23 Q. Does JLM have any employment</p> <p>24 law posters at the office?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 S. GOLD</p> <p>2 says?</p> <p>3 MR. JOSEPH: You want him to</p> <p>4 read the entire labor law poster to</p> <p>5 you?</p> <p>6 MR. STOCKMAN: The title of the</p> <p>7 poster.</p> <p>8 MR. JOSEPH: I object to that.</p> <p>9 I don't see a purpose for that.</p> <p>10 If you want us to produce</p> <p>11 certain documents you can put in a</p> <p>12 request in writing after the</p> <p>13 deposition is over.</p> <p>14 MR. STOCKMAN: Well, the</p> <p>15 relevance is willfulness.</p> <p>16 MR. JOSEPH: Right. If you</p> <p>17 want to request that we produce</p> <p>18 certain documents, put the request in</p> <p>19 writing and we will do so.</p> <p>20 MR. STOCKMAN: I have requested</p> <p>21 documents which you have not</p> <p>22 responded to my request.</p> <p>23 Q. Can you tell me the title of</p> <p>24 the poster?</p> <p>25 I'm not asking for you to read</p>
<p style="text-align: right;">Page 47</p> <p>1 S. GOLD</p> <p>2 Q. What poster does JLM have?</p> <p>3 A. The labor law. I don't know</p> <p>4 the exact name of that, but it's a legal</p> <p>5 poster that is supposed to be in every</p> <p>6 office.</p> <p>7 Q. Is it the New York Labor Law</p> <p>8 poster?</p> <p>9 A. Yes.</p> <p>10 Q. Have you ever read that poster</p> <p>11 before?</p> <p>12 A. Yes, it is in my eyes every</p> <p>13 day.</p> <p>14 Q. Did JLM have that poster on the</p> <p>15 wall while Angelo Lopes was still employed?</p> <p>16 A. Yes, that's part of the</p> <p>17 company's furniture.</p> <p>18 Q. While Angelo Lopes was still</p> <p>19 employed, had you read that poster?</p> <p>20 A. You asking me for the date when</p> <p>21 I read it, I don't recall.</p> <p>22 Q. Had you read the poster while</p> <p>23 Angelo was still employed by the company?</p> <p>24 A. I don't know.</p> <p>25 Q. Can you read me what the poster</p>	<p style="text-align: right;">Page 49</p> <p>1 S. GOLD</p> <p>2 the entire contents of the poster.</p> <p>3 MR. JOSEPH: Objection.</p> <p>4 You can answer.</p> <p>5 A. I don't have the poster in</p> <p>6 front of me so I can't.</p> <p>7 Q. I want to turn your attention</p> <p>8 to the document that is marked Plaintiff's</p> <p>9 Exhibit C.</p> <p>10 MR. JOSEPH: June 20, 2019</p> <p>11 letter, correct?</p> <p>12 MR. STOCKMAN: Yes.</p> <p>13 Q. Can you please review the June</p> <p>14 20, 2019 letter and let me know when you</p> <p>15 finish reviewing the document.</p> <p>16 A. Yes.</p> <p>17 Q. You finished reviewing the</p> <p>18 document?</p> <p>19 A. Correct.</p> <p>20 Q. Have you ever seen this</p> <p>21 document before?</p> <p>22 A. I reviewed it before I got in.</p> <p>23 Q. What do you recognize that</p> <p>24 document to be?</p> <p>25 A. It says on top, "Termination</p>

<p style="text-align: right;">Page 50</p> <p>1 S. GOLD</p> <p>2 Letter."</p> <p>3 Q. Did you write this letter?</p> <p>4 A. No.</p> <p>5 Q. Did you participate in the</p> <p>6 drafting of this letter?</p> <p>7 A. No.</p> <p>8 Q. There is an allegation in the</p> <p>9 letter that Angelo was terminated for gross</p> <p>10 misconduct. Is that an accurate allegation</p> <p>11 that Angelo engaged in gross misconduct?</p> <p>12 A. Yes.</p> <p>13 Q. How did Angelo engage in gross</p> <p>14 misconduct?</p> <p>15 A. The other letter that we</p> <p>16 reviewed before spelled out are exact more</p> <p>17 in detail. The May 29th letter.</p> <p>18 Q. Did you talk to Moshe about</p> <p>19 this letter before it was sent out to</p> <p>20 Angelo?</p> <p>21 A. I'm not in charge of any salary</p> <p>22 employee.</p> <p>23 Q. My question is, did you talk to</p> <p>24 Moshe about the letter before it was sent</p> <p>25 to Angelo?</p>	<p style="text-align: right;">Page 52</p> <p>1 S. GOLD</p> <p>2 28th and June 20th when I spoke to him. It</p> <p>3 was very obvious, he wasn't around. No</p> <p>4 need to tell him anything.</p> <p>5 Q. What do you mean by it is very</p> <p>6 obvious he wasn't around?</p> <p>7 A. He wasn't in the office.</p> <p>8 MR. STOCKMAN: Another two</p> <p>9 minutes. I just want to take a</p> <p>10 two-minute break and then we're</p> <p>11 almost done.</p> <p>12 (Whereupon, a brief recess was</p> <p>13 taken.)</p> <p>14 MR. STOCKMAN: Thank you. I</p> <p>15 have nothing further.</p> <p>16 MR. JOSEPH: Thank you,</p> <p>17 everyone.</p> <p>18 (Whereupon, at 5:02 P.M., the</p> <p>19 Examination of this witness was</p> <p>20 concluded.)</p> <p>21</p> <p>22 ° ° ° °</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 51</p> <p>1 S. GOLD</p> <p>2 A. About this specific letter, the</p> <p>3 answer is no.</p> <p>4 Q. How do you think Moshe knew</p> <p>5 that Angelo engaged in gross misconduct?</p> <p>6 MR. JOSEPH: Objection.</p> <p>7 You can answer.</p> <p>8 A. Everyone in the office is</p> <p>9 reporting to him. It is basically a</p> <p>10 puzzle. If there is pieces missing, they</p> <p>11 missing.</p> <p>12 Q. Did you indicate to Moshe that</p> <p>13 Angelo engaged in gross misconduct?</p> <p>14 A. Yes.</p> <p>15 Q. In between the May 28th written</p> <p>16 warning and this June 20th letter, did you</p> <p>17 complain to Moshe about Angelo's</p> <p>18 performance?</p> <p>19 A. I don't recall the exact date</p> <p>20 so I can't answer.</p> <p>21 Q. My question is, after Angelo</p> <p>22 had been warned in writing, did you</p> <p>23 thereafter complain to Moshe that, hey,</p> <p>24 Angelo is still not improving?</p> <p>25 A. I don't recall the window May</p>	<p style="text-align: right;">Page 53</p> <p>1 S. GOLD</p> <p>2 D E C L A R A T I O N</p> <p>3</p> <p>4 I hereby certify that having been</p> <p>5 first duly sworn to testify to the truth, I</p> <p>6 gave the above testimony.</p> <p>7</p> <p>8 I FURTHER CERTIFY that the foregoing</p> <p>9 transcript is a true and correct transcript</p> <p>10 of the testimony given by me at the time</p> <p>11 and place specified hereinbefore.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 SAM GOLD</p> <p>17</p> <p>18 Subscribed and sworn to before me</p> <p>19 this ____ day of _____ 20 ____.</p> <p>20</p> <p>21</p> <p>22 _____</p> <p>23 NOTARY PUBLIC</p> <p>24</p> <p>25</p>



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<p>1 S. GOLD</p> <p>2 I N D E X</p> <p>3</p> <p>4 EXAMINATION BY PAGE</p> <p>5 MR. STOCKMAN 4</p> <p>6</p> <p>7</p> <p>8 INFORMATION AND/OR DOCUMENTS REQUESTED</p> <p>9 INFORMATION AND/OR DOCUMENTS PAGE</p> <p>10 (None)</p> <p>11</p> <p>12</p> <p>13 QUESTIONS MARKED FOR RULINGS</p> <p>14 PAGE LINE QUESTION</p> <p>15 (None)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ERRATA SHEET</p> <p>2 VERITEXT/NEW YORK REPORTING, LLC</p> <p>3 CASE NAME: Lopes v. JLM Decorating NYC Inc Et Al</p> <p>4 DATE OF DEPOSITION: 2/11/2021</p> <p>5 WITNESSES' NAME: Sam Gold</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE (S)</th> <th style="width: 30%;">CHANGE</th> <th style="width: 50%;">REASON</th> </tr> </thead> <tbody> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> </tbody> </table> <p>20</p> <p>21 _____</p> <p style="text-align: center;">Sam Gold</p> <p>22 SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>23 THIS ____ DAY OF _____, 20__.</p> <p>24</p> <p>25 _____ MY COMMISSION EXPIRES:</p>	PAGE	LINE (S)	CHANGE	REASON	6				7				8				9				10				11				12				13				14				15				16				17				18				19			
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<p style="text-align: right;">Page 55</p> <p>1 S. GOLD</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4 STATE OF NEW YORK )</p> <p style="padding-left: 40px;">: SS.:</p> <p>5 COUNTY OF RICHMOND )</p> <p>6</p> <p>7 I, KELLI PASSALACQUA, a Notary Public</p> <p>8 for and within the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That the witness whose examination is</p> <p>11 hereinbefore set forth was duly sworn and</p> <p>12 that such examination is a true record of</p> <p>13 the testimony given by that witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this</p> <p>16 action by blood or by marriage and that I</p> <p>17 am in no way interested in the outcome of</p> <p>18 this matter.</p> <p>19 IN WITNESS WHEREOF, I have hereunto</p> <p>20 set my hand this 24th day of February 2021.</p> <p>21</p> <p>22 </p> <p>23 _____</p> <p style="text-align: center;">KELLI PASSALACQUA</p> <p>24</p> <p>25</p>																																																													

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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